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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,337	01/30/2004	Mark Ferraro	770P011329-US (PAR)	6516

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Perman and Green, LLP
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EXAMINER

COSIMANO, EDWARD R

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/768,337	Applicant(s) FERRARO, MARK	
	Examiner Edward R. Cosimano	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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1. Applicant's claim for the benefit of an earlier filing data under 35 U.S.C. § 119(e).
2. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.1 Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Wright et al (4,802,218) as evidenced by inherent operation, Aldebert et al (5,794,033), see MPEP § 21310.1(III).

3.1.1 In regard to claims 1-8, Wright et al ('218) discloses a computerized postage metering system that includes programmed computer 30 and computer controlled printer 40. Under the control of a postage metering operating program that has been supplied by the manufacture and Post Office, computer 30 would use the weight of an item to be shipped as manually entered by the operator using keyboard 31 or automatically obtained from a scale 53 and postage rate data stored in a manually inserted card 90 to determine the correct amount of postage for the item being shipped. After determining the required postage for the item to be shipped, computer 30 requests an postage indicia for the required amount of postage from a manually inserted smart card 10 as evidence that the required amount of postage has been paid. Smart card 10, which contains the postage accounting information associated with the user, determines if the user has sufficient prepaid postage funds to pay for the required postage amount, and if there are sufficient funds then smart card 10 would authorize the generation of a postage indicia comprising both human readable or alphanumeric information and machine readable coded information. Where the information contained in the postage indicia that is

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printed in both human readable and machine readable form as taught by Wright et al ('218) would include the required alphanumeric postage related information, in the form of date 73 and postage amount 72 and machine readable authentication information in the form of coded information 83a, 83b. It is noted that as taught by Wright et al ('218) and as can be seen in figs. 6a and 6b, the postage indicia data used to generate the authentication information:

A) is coded or encoded using a previously obtained and stored coding method that uses an issuer, or remotely, selected encryption key and encryption program; and

B) may be printed in human readable and/or machine readable form, where the machine readable form may include a barcode or a multi-dimensional coded.

It is further noted that the smart card of Wright et al ('218) may be used to download new rate and program data into the postage metering system from a remote source.

3.1.2 In regard to the claimed communications system, since Wright et al ('218) discloses the user of various cards, that

A) contain operating programs that change the operation of the hardware within the postage metering system of Wright et al ('218); and

B) have been provided to the user of the postage metering system of Wright et al ('218) from a location which is not the location of the user of the postage metering system of Wright et al ('218).

It would have been inherent to one of ordinary skill at the time of the invention was made that the receipt and use of the program cards received from another location in conjunction with the postage metering system of Wright et al ('218) would implement a type of communications system where the program card are the communications media.

3.1.3 It is further noted in regard to the use of the cards to update or reprogram the operating program of the system of Wright et al ('218) via a communications system, that Wright et al ('218) discloses the one or more cards used in the postage metering system of Wright et al ('218) are smart cards that contain a programmed processor and a memory containing an operating program. Where when one of these smart cards has been manually inserted into the postage metering system of Wright et al ('218) and has been properly authenticated by the postage metering system of Wright et al ('218), then the operation of the hardware within the

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postage metering system of Wright et al ('218) is altered/changed since the control processor with in the postage metering system of Wright et al ('218) would perform a different postage metering related function by executing the program stored with in the inserted smart card.

3.1.4 Finally it is noted in regard to the use of a field programmable gate array (FPGA) in claim 2, that Aldebert et al ('033) in 1998 discloses that some computer implemented devices contain an FPGA. Where the FPGA has been implemented by a processor and an associated memory that stores the processor's operating program. Aldebert et al ('033), further discloses that the operation of the FPGA, and hence the device implemented using the FPGA, may be remotely changed by using a communications system to change/reprogramming the processor's operating program stored with in the memory of the FPGA and thereby altering/changing the operation of the hardware contained with in either (1) the device that has been implemented by an FPGA or (2) the processor of the FPGA.

3.1.5 Since the operation of the postage metering system of Wright et al ('218) may be remotely changed using a communications system by changing the operating program that is stored in a programmable memory and is used to control the operation of the processor is identical to the operation of a FPGA as described in 1998 by Aldebert et al ('033), would have been inherent to one of ordinary skill at the time of the invention was made that the combination of the processor of the postage metering system of Wright et al ('218) in conjunction with the operating program that is stored with in a smart card as taught by Wright et al ('218) is a FPGA.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).

4.1 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Response to applicant's arguments.

5.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

5.2 As per the 35 U.S.C. § 102 rejection, since as stated in the modified rejection above, it is believed that the claimed invention is anticipated by the prior art and hence, applicant's arguments are non persuasive.

6. The examiner has cited prior art of interest, for example:

A) Allocca et al (4,138,735) disclose that data to be used by a postage metering system when determining the correct postage amount for an item may be downloaded using RF transmissions or by modem.

B) Eckert (4,649,266) disclose the content of a postage indicia.

C) Le Carpentier (4,752,950) which discloses using a communications system connected between a central station and a number of postage meters where the central station may remotely control and collect operating data from the postage metering systems connected to the communications system.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (571) 272-6802. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (571) 272-6812. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (571) 273-6802.

7.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

7.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

05/17/05



Edward R. Cosimano
Primary Examiner A.U. 3639